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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,061	04/01/2002	Colin Morgan Wright	000035-042	8680

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BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,061

Applicant(s)

WRIGHT, COLIN MORGAN

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9,12-16 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,12-16 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This is the third office action for U.S. Application 10/019,061 for a Frame Structure for an Enclosure for Electrical Equipment filed by Colin Morgan Wright on April 1, 2002. Claims 6, 8, 10, 11, and 17-19 have been canceled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2004 has been entered.

Claim Rejections - 35 USC § 103

Claims 1-5, 7, 9, 12-16, and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essig et al. in view of Patent GBR Patent 1,410,762 to Bloohn. Essig et al. discloses a frame structure with a plurality of elongate members (72, 74, 76) of bent sheet metal that are joined together at corners of the structure. The frame structure has a corner joint at which two horizontal frame members (72 and 76) and one vertical frame member (74) are joined together, with each including portions which are juxtaposed to one another (83 and 85 of each member) and are secured together by a common fastener (80 or 82) engaging the juxtaposed portions. The frame members

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have further portions that are juxtaposed to one another and extend substantially horizontal and transverse to the planes of the first juxtaposed portions. There are holes in the juxtaposed portions and a second fastener passes through the holes (80 or 82) to engage two of the three frame members. A first one of the frame members is vertical and of hollow section and a second one of the frame members passes through an opening in the first frame member (see fig. 3, between 48 and 50). The structure includes eight corner joints that are all substantially identical to each other and the structure is substantially cuboidal (fig. 1).

Essig et al. does not disclose openings in the walls of a first frame member, whereby second and third frame members pass through the openings, and the third member passes through an opening in the second member, and whereby the members are secured by a common fastener engaging the juxtaposed portions of the three members, holding together planar portions, some of which are parallel. The '762 patent discloses three frame members wherein a first, vertical frame member (11) of hollow section has two walls with openings (20 and 22), one of the openings being rectangular. Second and third frame members (16, also of hollow section and 12) pass through the openings in the wall of the first member. The third member also passes through an opening (21) in a wall of the second member. Fasteners (24) are extended through openings in the first and third members (23 and 25), as well as the second member (the hole portions at the end) to further secure the structure. The horizontal members and the vertical member have planar portions that are parallel and juxtaposed to one another, and the members are held together by the common fastener. It would have

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been obvious to one of ordinary skill in the art at the time of the present invention to have provided a vertical member with holes for the frame taught by Essig et al., for receiving two horizontal members, and also to have provided a hole in one of the horizontal members for receiving the other horizontal member, as taught by the '762 patent, for the purpose of providing a steady, secure corner attachment for a frame structure.

Response to Arguments

Applicant's arguments filed March 18, 2004 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., juxtaposed portions arranged side by side) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant claims that the horizontal members and vertical member have planar portions that are parallel, which Bloohn discloses, and also planar portions that are juxtaposed to one another, with a common fastener engaging the juxtaposed portions, which Bloohn also discloses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

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(703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven Marsh

June 4, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER